



P.B.5818 - Patentlaan 2
2280 HV Rijswijk (ZH)
+31 70 340-2040
TX 31651 epo nl
FAX +31 70 340 3016

Europäisches
Patentamt

Zweigstelle
in Den Haag
Recherchen-
abteilung

European
Patent Office

Branch at
The Hague-
Search
division

Office européen
des brevets

Département à
La Haye
Division de la
recherche

Hepworth, John Malcolm
Hepworth Lawrence Bryer & Bizley
Bloxam Court
Corporation Street
Rugby,
Warwickshire CV21 2DU
GRANDE BRETAGNE

PROGRESSOR
02 AUG 2004
-2 AUG 2004
signed: *DN*

Zeichen/Ref./Réf. APEP009987	Anmeldung Nr./Application No./Demande n°/Patent Nr. /Patent No./Brevet n°. 99925642.3
Datum/Date 03 AUG 2004	
Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire Georgia Biomedical, Inc.	

COMMUNICATION

The European Patent Office herewith transmits

supplementary partial

the European search report

the declaration under Rule 45 EPC

the partial European search report under Rule 45 EPC

the supplementary European search report concerning the international application under Article 157(2) EPC
relating to the above-mentioned European patent application. Copies of the documents cited in the search report are
enclosed.

The following specifications given by the applicant have been approved by the Search Division :

Abstract

Title

Figure

The abstract was modified by the Search Division and the definitive text is attached to this communication.

The following figure will be published with the abstract, since the Search Division considers that it better characterises
the invention than the one indicated by the applicant.

Figure:

Additional copy(copies) of the documents cited in the European search report.



REFUND OF THE SEARCH FEE

If applicable under Article 10 Rules relating to fees, a separate communication
from the Receiving Section on the refund of the search fee will be sent later.

BEST AVAILABLE COPY



European Patent
Office

**SUPPLEMENTARY
PARTIAL EUROPEAN SEARCH REPORT**

Application Number

which under Rule 45 of the European Patent Convention EP 99 92 5642
shall be considered, for the purposes of subsequent
proceedings, as the European search report

DOCUMENTS CONSIDERED TO BE RELEVANT			CLASSIFICATION OF THE APPLICATION (Int.Cl.6)
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	
X	US 5 006 109 A (DOUGLAS DONALD D ET AL) 9 April 1991 (1991-04-09) * column 7, line 62 - column 16, line 9; figures *	1,55	A61M13/00 A61M37/00
X	DE 195 10 710 A (MUELLER BERND ; DEY UWE DIPL ING (DE)) 19 September 1996 (1996-09-19) * column 5, line 1 - line 56; figures 1,2 *	1-7,9, 11, 24-30, 55,56, 62-71	
X,D	US 5 411 474 A (GRAY ROBERT I ET AL) 2 May 1995 (1995-05-02) * column 5, line 58 - column 11, line 2; figures 1-3 *	1-11, 24-30, 32,55, 56,62-71	
		-/-	
The supplementary search report has been based on the last set of claims valid and available at the start of the search.			
INCOMPLETE SEARCH <p>The Search Division considers that the present application, or some or all of its claims, does/do not comply with the EPC to such an extent that a meaningful search into the state of the art cannot be carried out, or can only be carried out partially, for the following claims:</p> <p>Claims searched completely :</p> <p>Claims searched incompletely :</p> <p>Claims not searched :</p> <p>Reason for the limitation of the search:</p> <p>see sheet C</p>			
3	Place of search	Date of completion of the search	Examiner
EPO FORM 1503 03/82 (P04C20)	The Hague	22 April 2004	Zeinstra, H
CATEGORY OF CITED DOCUMENTS		T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons & : member of the same patent family, corresponding document	
X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document			

BEST AVAILABLE COPY



DOCUMENTS CONSIDERED TO BE RELEVANT			CLASSIFICATION OF THE APPLICATION (Int.Cl.6)
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	
P,X	WO 98/26826 A (COOK WILLIAM A AUSTRALIA) 25 June 1998 (1998-06-25) * page 4, line 27 - page 7, line 22; figures 1-5 *	1-11,24, 30,55, 56,62-70	
A	US 5 246 419 A (ABSTEN GREGORY T) 21 September 1993 (1993-09-21) * column 3, line 25 - column 5, line 50 *	1,55	
			TECHNICAL FIELDS SEARCHED (Int.Cl.6)

BEST AVAILABLE COPY



European Patent
Office

Application Number

EP 99 92 5642

CLAIMS INCURRING FEES

The present European patent application comprised at the time of filing more than ten claims.

Only part of the claims have been paid within the prescribed time limit. The present European search report has been drawn up for the first ten claims and for those claims for which claims fees have been paid, namely claim(s):

No claims fees have been paid within the prescribed time limit. The present European search report has been drawn up for the first ten claims.

LACK OF UNITY OF INVENTION

The Search Division considers that the present European patent application does not comply with the requirements of unity of invention and relates to several inventions or groups of inventions, namely:

see sheet B

All further search fees have been paid within the fixed time limit. The present European search report has been drawn up for all claims.

As all searchable claims could be searched without effort justifying an additional fee, the Search Division did not invite payment of any additional fee.

Only part of the further search fees have been paid within the fixed time limit. The present European search report has been drawn up for those parts of the European patent application which relate to the inventions in respect of which search fees have been paid, namely claims:

None of the further search fees have been paid within the fixed time limit. The present European search report has been drawn up for those parts of the European patent application which relate to the invention first mentioned in the claims, namely claims:

1-11, 24-38, 55, 56, 62-71

BEST AVAILABLE COPY



The Search Division considers that the present European patent application does not comply with the requirements of unity of invention and relates to several inventions or groups of inventions, namely:

1. claims: 1-11,24-38,55,56,62-71

Apparatus for treating gas comprising:

1.1. claims: 1,2-5,55,63,64

a humidification chamber which is a subchamber within the chamber

1.2. claims: 1,6,55,56

a humidification chamber which comprises at least one water retaining layer

1.3. claims: 1,7-11,55,62,65-69

a backup container

1.4. claims: 1,24

a housing which is proximate to the patient

1.5. claims: 1,25-29,55,70,71

a heating means

1.6. claims: 1,30

a filter means

1.7. claims: 1,31

an AC/DC converter

1.8. claims: 1,32

a battery

2. claims: 12-23,33-38,55,57-61

Apparatus for treating gas comprising a humidity sensor

Please note that all inventions mentioned under item 1, although not necessarily linked by a common inventive concept, could be searched without effort justifying an additional fee.

BEST AVAILABLE COPY



European Patent
Office

**INCOMPLETE SEARCH
SHEET C**

Application Number

EP 99 92 5642

For the purpose of this search report, claim 46 has been considered as being dependent on claim 40 instead of claim 38 which is of a different category.

Claim(s) not searched:
39-54

Reason for the limitation of the search (non-patentable invention(s)):

Article 52 (4) EPC - Method for treatment of the human or animal body by therapy
Article 52 (4) EPC - Method for treatment of the human or animal body by surgery

BEST AVAILABLE COPY

ANNEX TO THE EUROPEAN SEARCH REPORT
ON EUROPEAN PATENT APPLICATION NO.

EP 99 92 5642

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report. The members are as contained in the European Patent Office EDP file on. The European Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

22-04-2004

Patent document cited in search report		Publication date		Patent family member(s)	Publication date
US 5006109	A	09-04-1991	NONE		
DE 19510710	A	19-09-1996	DE	19510710 A1	19-09-1996
US 5411474	A	02-05-1995	CA	2218108 A1	17-10-1996
			WO	9632154 A1	17-10-1996
			AU	2284995 A	30-10-1996
			EP	0827417 A1	11-03-1998
			AT	261330 T	15-03-2004
			AU	704061 B2	15-04-1999
			DE	69532685 D1	15-04-2004
			DE	69532685 T2	29-07-2004
WO 9826826	A	25-06-1998	AU	4833197 A	25-06-1998
			AU	5233198 A	15-07-1998
			WO	9826826 A1	25-06-1998
			US	6010118 A	04-01-2000
US 5246419	A	21-09-1993	NONE		

BEST AVAILABLE COPY